



TXD981918188

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202

Sumner
To File:

CERTIFIED MAIL - RECEIPT REQUESTED P 457 296 699

November 9, 1990

URGENT LEGAL MATTER - PROMPT REPLY NECESSARY

Mr. Bill Presswood
Vice-President, Houston Division
ENTEX
P.O. Box 2628
Houston, TX 77252

Re: Listing Site Inspection (LSI) On-Site Reconnaissance Visit
Houston Gas Light Company Site, 1515 Commerce, Houston,
Harris County, Texas
(TXD981918188)

Dear Mr. Presswood:

The purpose of this letter is to request you to voluntarily permit the U.S. Environmental Protection Agency (EPA), and parties authorized by EPA including, but not limited to Ecology and Environment Inc. (E & E) and its subcontractor, ICF Kaiser Engineers (ICF), (Contract Number 68-01-7347) access to the property located at 1515 Commerce, Houston, Harris County, known as Houston Gas Light Company so that EPA can enforce the provisions of the Resource Conservation and Recovery Act, as amended, (RCRA), 42 USC, Sections 6901-6992k, and, pursuant to Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, copy documents or records, and inspect your property, and obtain samples of any suspected hazardous substance or pollutant or contaminant.

Specifically, E & E and/or ICF has been requested by the EPA, Region 6 to conduct a Listing Site Inspection (LSI) On-Site Reconnaissance Visit to assess the degree of risk to public health, and welfare, and the environment related to hazardous substances, pollutants or contaminants that may be present at the site. Based on preliminary file information, we find it necessary to perform this Listing Site Inspection (LSI) On-Site Reconnaissance Visit at your site pursuant to 40 CFR Subsection 300.66(a)(1-4).

Section 3007 of RCRA, 42 U.S.C. Section 6927, authorizes EPA to require information relating to hazardous waste from any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes. Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), authorizes EPA to require any person who

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has or may have information relating to any of the following to furnish information or documents relating to:

1. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;
2. The nature or extent of a release of a hazardous substance, or pollutant, or contaminant at or from a vessel or facility;
3. Information relating to the ability of a person to pay for or perform a cleanup.

Section 104(e) of CERCLA also explicitly grants EPA the authority to enter a property for "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."

If consent is not granted regarding a request made by EPA under Section 104(e) of CERCLA, the EPA may issue an administrative order directing compliance with such request, or apply for an administrative inspection warrant. The EPA may also ask the Attorney General to commence a civil action to compel compliance with a request made by EPA under Section 104(e). The court may assess a civil penalty not to exceed \$25,000.00 for each day of noncompliance against any person who fails to comply with the provisions of Section 104(e) or with an order issued thereunder.

However, it is EPA policy to seek voluntary cooperation from the public when possible. Consequently, EPA is making this request for access to the property and records described above. EPA hopes that you will voluntarily comply by signing, dating and returning the enclosed Consent for Access to Property, to the address indicated below within seven days of the date of this letter. Please mail it to:

Ed Sierra (FIT-RPO)
USEPA Region 6
Hazardous Waste Section (6E-SH)
1445 Ross Avenue Suite 1200
Dallas, Texas 75202-2733

If EPA has not received the enclosed consent for access to property within seven days of the date of this letter, signed and dated by you, EPA will treat your failure to respond as a denial of access. Please note that EPA will not agree to conditions which will restrict or impede the manner or extent of an inspection or response action, impose indemnity or compensatory obligations on EPA, or operate as a release of liability. Should you impose conditions of this nature in the consent for access to the property, EPA will treat this as a denial of consent.

You may assert a business confidentiality claim covering part of the information you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". Confidential portions of otherwise nonconfidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA. If you make such claim, the information covered by that claim will be disclosed by EPA only to the extent, and by the means of the procedures, set forth in Subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and amended on September 8, 1978, and December 18, 1985.

As part of the information gathering process, the collection of samples may become necessary. This collection process may generate Investigation Derived Wastes, (IDWs). The FIT will manage these IDWs in the most responsible manner consistent with EPA guidance regarding these wastes.

The Listing Site Inspection (LSI) On-Site Reconnaissance Visit at Houston Gas Light Company on 1515 Commerce is tentatively scheduled for the week of December 3, 1990. Michael N. Mitchell will be contacting you to confirm the exact dates of this event. You will be provided with a receipt describing the samples obtained and, if you so request, you will be given a portion of each sample. There is no charge for the sample the EPA provides you. If you would like a portion of each sample please put a check mark in the space provided in the enclosed consent for access to property. If you do not wish to be provided with a portion of each sample please put a check mark in the alternative space. If you do not mark any space, EPA will treat your failure to respond as your statement that you do not wish to be provided with a portion of each sample.

A copy of the inspection report, and analytical data can be obtained by writing to the Chief of the Site Assessment Section, (6H-MA), EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.

If you have any questions concerning this matter, please contact me at (214) 655-6491.

Sincerely,

Ed Sierra
Regional Project Officer
Hazardous Waste Section

cc: Texas Water Commission

CONSENT FOR ACCESS TO PROPERTY

Name: Mr. Bill Presswood, Vice-President, Houston Division, ENTEX
P.O. Box 2628, Houston, TX 77252

Houston Gas Light Company Site at 1515 Commerce, Houston,
Harris County, Texas.

I hereby consent to Ecology and Environment, Inc. and/or their subcontractor, ICF Kaiser Engineers, duly authorized consultants of the United States Environmental Protection Agency (EPA) entering and having continued access to the property described above for the following purposes:

1. Reviewing and copying documents related to Houston Gas Light Company;
2. The collection of soil, water, and air samples;
3. The sampling of any solids or liquids stored or disposed on the property;
4. The drilling of holes and installation of monitoring wells for subsurface investigations;
5. Other actions related to the investigation of surface and subsurface contamination.

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Sections 9601-9626; and the Resource Conservation and Recovery Act (RCRA), 42 USC Section 6297.

I am the property owner, or a responsible official of the property owner, and I warrant that I have the authority to make this access agreement.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

Date

Signature

Place a check mark in the appropriate space. Please note that if no space is marked EPA will treat your failure to mark a space as your statement that you do not wish to be provided with a portion of each sample.

- () Please provide me with a portion of each sample taken at the property described above. (There is no charge for the sample portions EPA provides you).
- () I do not wish to be provided with a portion of each sample taken at the property described above.